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OFFICE OF PETITIONS

In re Application of :
Daniel J. Pisano Jr. :
Application No.: 09/921,117 :
Filed: August 02, 2001 :
Attorney Docket No.: 2106.002USU :
For: METHOD AND SYSTEM OF USING AN :
ELECTRONIC NETWORK TO PROVIDE :
OPTIONS TO PURCHASE GOODS OR :
SERVICES THROUGH A RETAILER :

DECISION ON PETITION

This is a decision on the "Petition under 37 CFR 1.181 and 37 CFR 1.8 to Withdraw the Holding of Abandonment" and "Petition for Revival of Patent application Abandoned Unintentionally under 37 CFR 1.137(b)" filed February 16, 2006.

Applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 is **GRANTED** and the petition under 37 CFR 1.137(b) is dismissed as moot. The petition fee submitted with the petition to revive will be refunded to Deposit Account no. 01-0467.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed July 7, 2004, which set a shortened statutory period for reply of three (3) months. Accordingly, this application became abandoned at midnight on October 7, 2004.


Applicant states in their present petition that a response to the non-final Office action was received at the United States Patent and Trademark Office on December 10, 2004. A review of the present application reveals that the response to the non-final Office action filed December 10, 2004 is not located therein. The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. (See Manual of Patent Examining Procedure §503.) Here, applicant has provided a copy of their date-stamped filing receipt. The receipt identifies the application by application number, attorney docket number, and filing date. The receipt itemizes an amendment, request for extension of time, and a transmittal letter. The receipt is stamped "Rec'd. OIPE DEC 10, 2004" across its face is sufficient to indicate that a response to the non-final Office action was in fact received in the Office on December 10, 2004.

Application no.: 09/921,117

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This application is being referred to Technology Center AU 3622.

Telephone inquiries concerning this decision should be directed to the undersigned.

A handwritten signature in black ink, appearing to read "Anthony Smith", with a stylized flourish at the end.

Anthony Smith

Attorney-Advisor

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